

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**April 30, 2001**

- C030190      THE PEOPLE v. GLASER et al.      (Not for Publication)**  
The judgments are affirmed.  
                         KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                         Raye, J.
- C030824      THE PEOPLE v. OETTING      (Not for Publication)**  
The arson enhancement is stricken. The restitution order is increased to \$88,679.62: \$3,584 for the personal property of Jesse and Ernest Oetting and \$85,095.62 for the cost of replacing the Oetting home. As modified, the judgment is affirmed. The trial court shall prepare a new abstract of judgment reflecting these modifications and forward it to the Department of Corrections.  
                         NICHOLSON, Acting P.J.  
I concur:        Callahan, J.  
I concur with the majority opinion, with the exception of its conclusion that the trial court's restitution order of \$65,084 constituted an unauthorized sentence that can be reviewed by this court without an appeal therefrom...However, while the failure to order a larger restitution amount may be erroneous, it cannot be characterized as unauthorized. Otherwise, the distinction between unauthorized and merely erroneous sentences will be lost, and anarchy will replace appeals as the method for reviewing sentencing errors.  
                         Kolkey, J.
- C031535      THE PEOPLE v. BRANCH      (Not for Publication)**  
The judgment is affirmed.  
                         NICHOLSON, J.  
We concur:    Scotland, P.J.  
                         Hull, J.
- C031985      THE PEOPLE v. ALLEN      (Certified for Publication)**  
The judgment is modified by striking the \$2,000 "fine in the form of a penalty assessment" pursuant to section 1202.4, subdivision (a) (2), and the matter is remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.  
                         KOLKEY, J.  
We concur:    Nicholson, Acting P.J.  
                         Callahan, J.

**COURT OF APPEAL  
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**The Minutes**

**April 30, 2001, continued**

- C032445      THE PEOPLE v. GARLAND      (Not for Publication)**  
The judgment is affirmed.  
                         MORRISON, J.  
We concur:    Blease, Acting P.J.  
                         Kolkey, J.
- C033335      THE PEOPLE v. BROWN      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the abstract of judgment as stated above, to reflect a total of 13 years for the enhancements, and to forward a certified copy of the corrected abstract to the Department of Corrections.  
                         MORRISON, J.  
We concur:    Sims, Acting P.J.  
                         Nicholson, J.
- C034529      THE PEOPLE v. FRANCIS      (Not for Publication)**  
The judgment is affirmed.  
                         SCOTLAND, P.J.  
We concur:    Blease, J.  
                         Sims, J.
- C034645      THE PEOPLE v. GIBBS      (Not for Publication)**  
The judgment is affirmed.  
                         NICHOLSON, Acting P.J.  
We concur:    Raye, J.  
                         Hull, J.
- C035794      THE PEOPLE v. WILLIAMS      (Not for Publication)**  
The order revoking defendant's probation is reversed and the sentence imposed following revocation is vacated. The trial court shall reinstate the order granting probation.  
                         BLEASE, Acting P.J.  
I concur:      Raye, J.  
I concur. I write separately to note that we express no opinion regarding further proceedings against defendant for violation of the terms and conditions of his probation based on allegations that, by his actions after January 19, 2000, he failed to obey laws other than Penal Code section 646.9(b) or section 273.6 or allegations that he otherwise violated those terms and conditions.  
                         Hull, J.

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**The Minutes**

**April 30, 2001, continued**

- C036283      THE PEOPLE v. SPARKS      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur: Raye, J.  
Hull, J.
- C031052      HEARD, as Sheriff, etc. v. TEHAMA COUNTY BOARD OF  
SUPERVISORS      (Not for Publication)**  
The judgment is reversed and the matter remanded to the trial court with  
directions to enter a new judgment denying plaintiff writ relief. The Board  
is awarded costs on appeal.  
HULL, J.  
We concur: Blease, Acting P.J.  
Sims, J.
- C032428      WILD GOOSE STORAGE, Inc. v. ROSEVILLE LAND DEVELOPMENT  
ASSOCIATION      (Not for Publication)**  
The judgment is reversed and the matter remanded to the trial court with  
directions to vacate its order granting Wild Goose's first motion in limine  
and to enter a new order consistent with the views expressed in this  
opinion. The parties shall bear its own costs on appeal.  
HULL, J.  
We concur: Davis, Acting P.J.  
Callahan, J.
- C033549      McKINNON v. McKINNON      (Not for Publication)**  
The judgment is affirmed. Respondent is awarded her costs on appeal.  
(Cal. Rules of Court, rule 26(a).)  
KOLKEY, J.  
We concur: Blease, Acting P.J.  
Sims, J.
- C035624      STATE BOARD OF EQUALIZATION v. STATE PERSONNEL BOARD  
AND JONES      (Not for Publication)**  
The judgment is affirmed. Equalization shall recover costs on appeal.  
RAYE, J.  
We concur: Nicholson, Acting P.J.  
Callahan, J.
- C033116      In re AMY S.; THE PEOPLE v. AMY S.      (Not for Publication)**  
The judgment (order of commitment) is affirmed.  
CALLAHAN, J.  
We concur: Scotland, P.J.  
Raye, J.

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**April 30, 2001, continued**

The orders are affirmed.  
NICHOLSON, Acting P.J.  
We concur: Morrison, J.  
Kolkey, J.

THE COURT:  
For good cause it now appears that the opinion in the above captioned case filed herein on March 29, 2001, should be certified for publication in the Official Reports, with the exception of part C at pages 15-19, and it is so ordered.

Scotland, P.J.  
Callahan, J.  
Kolkey, J.

The judgment is affirmed.  
SIMS, J.  
We concur: Scotland, P.J.  
Nicholson, J.

BY THE COURT:  
Appellants' motion for reinstatement of appeal is denied.  
SCOTLAND, P.J.

By the Court:  
Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of the Presiding Justice from the court for the period of May 3, 2001, through May 4, 2001, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.  
SCOTLAND, P.J.



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**The Minutes**

**May 3, 2001, continued**

- C036290      THE PEOPLE v. BLOXTON, JR.      (Not for Publication)**  
The judgment is affirmed.  
SIMS, J.  
We concur:    Scotland, P.J.  
Morrison, J.
- C036442      THE PEOPLE v. BELL      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur:    Blease, Acting P.J.  
Morrison, J.
- C036583      THE PEOPLE v. ANDERSON      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur:    Raye, J.  
Morrison, J.
- C036786      THE PEOPLE v. DALE      (Not for Publication)**  
The judgment is modified to reflect imposition of a \$50 criminal laboratory analysis fee and related penalty assessments of \$85. The trial court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the abstract as amended to the Department of Corrections. As modified, the judgment is affirmed.  
BLEASE, Acting P.J.  
We concur:    Raye, J.  
Morrison, J.
- C037226      THE PEOPLE v. SHULTS      (Not for Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We concur:    Callahan, J.  
Hull, J.
- C036653      In re ROSEMARY M.; CHILDREN'S SERVICES DIVISION v. ROY M.      (Not for Publication)**  
The order of the juvenile court terminating appellant's parental rights is affirmed.  
NICHOLSON, J.  
We concur:    Scotland, P.J.  
Morrison, J.

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**The Minutes**

**May 3, 2001, continued**

**C036962      In re TASSIE D.; SACRAMENTO COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES v. MARICELLA J.**

**(Not for Publication)**

The order of the juvenile court terminating appellant's parental rights is affirmed.

SIMS, J.

We concur:     Scotland, P.J.  
                      Nicholson, J.

**May 4, 2001**

**C035407      RUPPELL v. RUPPELL**

**(Not for Publication)**

This appeal is dismissed. Husband shall recover his costs of this appeal.

MORRISON, J.

We concur:     Scotland, P.J.  
                      Nicholson, J.

**C036905      MARBLE v. SUPERIOR COURT OF YOLO COUNTY AND BROWN**

**(Not for Publication)**

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its order filed October 12, 2000, and to enter a new order granting defendant's motion for summary judgment. Defendant is awarded the costs he incurred in this writ proceeding. (Cal. Rules of Court, rule 56.4(a).)

BLEASE, Acting P.J.

We concur:     Nicholson, J.  
                      Raye, J.

**C036165      In re BRUCE G.; CHILDREN'S SERVICES DIVISION v. JOE C.**

**(Not for Publication)**

The orders denying appellant's petition for modification and terminating his parental rights are affirmed.

MORRISON, J.

We concur:     Scotland, P.J.  
                      Nicholson, J.